



# DEVELOPMENT CONTROL COMMITTEE

**THE MEETING WAS A REMOTE MEETING HELD IN  
ACCORDANCE WITH THE REGULATIONS UNDER  
SECTION 78 OF THE CORONAVIRUS ACT 2020**

**Thursday, 21st January, 2021 at 6.30 pm**

## PRESENT

## MEMBERS

Councillors F Cant (Chairman), M Payne (Vice-Chair), A Anwar, G Birtwistle, S Chaudhary, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Ishtiaq, M Johnstone, A Kelly, L Khan and J Sumner

Councillor Lubna Khan joined the meeting at 6.30pm  
Councillor Mohammed Ishtiaq joined the meeting at 7.02pm

## OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Alec Hickey	– Planning Team Manager
Janet Filbin	– Principal Planner
David Talbot	– Senior Solicitor
Alison McEwan	– Democracy Officer
Christine Wood	– Democracy Officer
Amanda Rumbelow	– Property Solicitor

### 81. Apologies

Apologies for absence were received from Councillor Neil Mottershead.

### 82. Minutes

The Minutes of the previous remote meeting held on Thursday, 10<sup>th</sup> December 2020 were approved as a correct record.

### 83. Additional Items of Business

There were no additional items of business.

#### 84. Declaration of Interest

There were no additional items of business.

#### 85. Exclusion of the Public

There were not items of business requiring the public to be excluded from the meeting.

#### 86. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

Application reference	Location	Speaker
COU/2020/0208	Stackhouses, Bank Parade, Burnley	Peter Dunn (against)
COU/20200208	Stackhouses, Bank Parade, Burnley	Brian Sumner (for) Avalon Town Planning
FUL/2020/0504	Land at Sycamore Avenue, Burnley	Matthew Wyatt (for) PWA Planning

The Committee was advised that Mr Ray Harrison, applicant, in relation to planning application COU/2020/0208 had withdrawn a previous request to speak in support of the application.

#### 87. COU/2020/0208 - The Stackhouses, Bank Parade, Burnley

**Full Planning Application - Retrospective Application for change of use from workshop (B2) to Bar (A4) - THE STACKHOUSES BANK PARADE BURNLEY**

##### Decision

**That planning permission be refused**

##### Reason

**The proposed use would result in a detrimental impact on residential amenity due to noise associated with the premises by virtue of its close proximity to neighbouring dwellings contrary to Policies SP5 and NE5 of Burnley's adopted Local Plan.**

**As this decision was contrary to officer recommendation, a named vote was taken as follows:**

<b>To refuse COU/2020/0208 – Stackhouses, Bank Parade, Burnley</b>	
<b>Councillor Frank Cant (Chair)</b>	<b>Against</b>
<b>Councillor Mark Payne (Vice-Chair)</b>	<b>For</b>
<b>Councillor Afrasiab Anwar</b>	<b>For</b>
<b>Councillor Gordon Birtwistle</b>	<b>For</b>
<b>Councillor Saeed Chaudhary</b>	<b>Against</b>

<b>To refuse COU/2020/0208 – Stackhouses, Bank Parade, Burnley</b>	
<b>Councillor Peter Gill</b>	<b>For</b>
<b>Councillor Sue Graham</b>	<b>For</b>
<b>Councillor Sarah Hall</b>	<b>For</b>
<b>Councillor John Harbour</b>	<b>For</b>
<b>Councillor Alan Hosker</b>	<b>For</b>
<b>Councillor Mohammed Ishtiaq</b>	<b>For</b>
<b>Councillor Marcus Johnstone</b>	<b>For</b>
<b>Councillor Anne Kelly</b>	<b>Against</b>
<b>Councillor Lubna Khan</b>	<b>For</b>
<b>Councillor Jeff Sumner</b>	<b>For</b>
<b>CARRIED</b>	

**88. HOU/2020/0487 - 265 Rossendale Road Burnley**

**Town and Country Planning Act 1990 - Proposed two storey side extension and single storey rear extension - 265 Rossendale Road Burnley Habergham Eaves BB11 5BZ Habergham Eaves**

**Decision: That planning permission be granted subject to the following conditions:**

1. The development must be begun within three years of the date of this decision.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed on this notice below.

**Reason:** To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.

**Reason:** To ensure that the development will be of a satisfactory appearance and to comply with Policy SP5 of Burnley's Local Plan (July 2018).

4. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order parking for a minimum of three private motor vehicles shall be retained at all times for use by the dwelling 265 Rossendale Road.

**Reason:** To ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area and to comply with Policy IC3 of Burnley's Local Plan (July 2018)

**89. FUL/2020/0504 - Land at Sycamore Avenue, Burnley**

**Town and Country Planning Act 1990 - Erection of 22 no. dwellings and 12 no. apartments (Class C3), with associated infrastructure and landscaping works Land - Sycamore Avenue Burnley BB12 6DH**

**Decision: That delegation be given to the Head of Housing and Development Control to approve the application subject to a section 106 Agreement to require a contribution towards public open space improvements subject to the following conditions:**

1. The development must be begun within three years of the date of this decision.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans listed on this notice below.

**Reason:** To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The external materials of construction to be used on the walls and roofs of the development shall be in accordance with the submitted schedule of materials titled 'Materials Tracker' (Job No. 3588) prepared by btp architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development, having regard to the character of the local area, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

4. Details of surfacing materials to be used on driveways and parking spaces shall be in accordance with the details within the submitted 'Materials Tracker' (Job No. 3588) prepared by btp architects unless any variation is otherwise previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory bound surface to prevent loose material from being dragged onto the public highway and to ensure a satisfactory appearance to the development, in accordance with Policies IC1 and SP5 of Burnley's Local Plan (July 2018).

5. In the event that site clearance works or development have not commenced by the 1st September 2021, no works shall take place on the site until an updated ecological survey has been carried out to assess the presence and likely harm from the development to any protected species, together with recommendations for avoiding and/or mitigating against that harm. The updated ecological survey shall be submitted to and approved in writing by the Local Planning Authority before any works commence and the agreed recommendations shall be carried out in their entirety.

**Reason:** To take account of any change in circumstances that may potentially occur following this period of time and to ensure adequate protection for protected species, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

6. No vegetation clearance, demolition or other works shall take place until a Method Statement for site clearance in accordance with the recommendations of the submitted Preliminary Ecological Appraisal by E3P, dated October 2020, with reference to hedgehogs (4.4.5) and amphibians (4.4.1) has been submitted to and approved in writing by the Local Planning Authority. The clearance of the site shall thereafter only be carried out in accordance with the approved Method Statement.

**Reason:** To ensure adequate safeguards to avoid any harm to hedgehogs and amphibians, in accordance with Policy NE1 of Burnley`s Local Plan(July 2018).

7. No development shall be commenced until protective fencing to protect the trees to be retained on the site has been erected in accordance with details as indicated within the amended Arboricultural Impact Assessment (Reference 846.001, dated January 2021 and prepared by The Environment Partnership). There shall be no excavation, site works, trenches or channels to be cut or laid or soil waste or other materials deposited so as to cause damage or injury to the root structure of the retained trees. The protection measures shall be implemented and remain in situ during building operations until the completion of the development.

**Reason:** To ensure adequate protection for the long term health of trees which should be retained in the interests of the visual amenities and biodiversity of the site and its surroundings, in accordance with Policy NE4 of Burnley's Local Plan (July 2018). The protective fencing is required to be erected prior to the commencement of development in order to give adequate protection to the trees from construction vehicles, plant, deliveries and other site activities.

8. All planting, seeding or turfing comprised in the approved details of landscaping set out on the approved Landscape Proposals plan (drawing number 6456.01RevC) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings within any phase of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

**Reason:** In order that the landscaping works contribute to a satisfactory standard of completed development and its long-term appearance harmonises with its surroundings and contributes to biodiversity enhancement, in accordance with Policies SP5 and NE1 of Burnley`s Local Plan (July 2018).

9. Details of any external lighting both temporary and permanent which shall be designed to minimise impact on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. No further external lighting shall thereafter be installed.

**Reason:** To protect bats and birds, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

10. Prior to the removal of any vegetation on the site or commencement of development, a method statement for the removal of Himalyan balsam and to prevent its spread from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved method statement.

**Reason:** To control the spread of an invasive species which has been recorded on the site, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

The method statement is required prior to the commencement of the development so that it can be effectively implemented from the earliest stages of the development.

11. **(Amended as detailed in the update report)** Prior to the commencement of built development above ground level, details of the management, responsibilities and maintenance schedules for all areas of open space within the site excluding private gardens, to cover the lifetime of the development, shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent changes to the management details shall be submitted to the Local Planning Authority prior to the change taking place..

**Reason: (Amended as detailed in the update report)** To ensure that these areas are appropriately managed and maintained, in the interests of the amenities of the site, in accordance with Policy HS4 of Burnley`s Local Plan (July 2018). The details are required prior to the commencement of the built development above ground level in order that proper arrangements can be secured at the earliest opportunity for the maintenance of the open space which is for the lifetime of the development.

12. No development shall be commenced until an Arboricultural Method Statement which shall incorporate the elements listed in section 4 of the submitted amended Arboricultural Impact Assessment (prepared by the Environment Partnership, reference 846.001, dated January 2021) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in full accordance with the methods and measures in the approved Method Statement.

**Reason:** To ensure that vulnerable trees which are to be retained and have an amenity value are not harmed by the development, in accordance with Policy NE4 of Burnley`s Local Plan (July 2018).

13. **(Amended as detailed in the update report)** The development shall be constructed with the inclusion of the biodiversity enhancement measures contained with the Biodiversity Enhancements Statement prepared by E3P (reference 80-372-L1-1) and in accordance with details for their location which shall be previously submitted to and agreed in writing by the Local Planning Authority. All of the enhancement measures shall be installed prior to the completion of the development. Once installed, the biodiversity enhancement measures shall be managed and maintained for the lifetime of the development in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to any build development above ground level taking place.

**Reason: (Amended as detailed in the update report)** To ensure that the scheme provides adequate benefits for wildlife to enhance the biodiversity of the site and the local area, and that it is sustained in the future, in accordance with Policy NE1 of Burnley`s Local Plan (July 2018).

14. No vegetation clearance required to facilitate the scheme shall take place during the bird nesting season between March and August inclusive unless a qualified ecologist has inspected the area no more than 24 hours prior to its removal and provides written confirmation to the Local Planning Authority that no nests or breeding birds will be affected by the development.

**Reason:** To ensure that nesting birds which are protected by the Wildlife and Countryside Act 1981 are not harmed by the development, in accordance with Policy NE1 of Burnley's Local Plan (July 2018). This must be carried out prior to the commencement of development in order to prevent any potential harm to breeding birds.

15. Prior to the commencement of development, a scheme of off-site works of highway improvement to include the making good of footways, reinstatement of kerbs and improvements to the two nearest bus stops to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety and completed prior to any dwelling or flat being first occupied.

**Reason:** To ensure that satisfactory access is provided to the site and satisfactory provision is made to encourage use of public transport, having regard to sustainable travel and all highway users and highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

16. Prior to the commencement of development, a Conditions Survey of the adopted highways surrounding the immediate site shall be submitted to and approved in writing by the Local Planning Authority. Within a period of six months from the substantial completion of the last dwelling or flat the same highways shall be re-surveyed, the findings from which shall be submitted to and approved in writing by the Local Planning Authority. Any damage that is identified to have occurred between the period of the two surveys shall thereafter be remedied in order to return the condition of the highways to their pre-construction condition by no later than three months from the date of the last of the approved surveys.

**Reason:** To maintain the condition and construction of public highways that may be potentially adversely affected by construction traffic and building operations, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

17. No dwelling shall be first occupied unless and until its associated car parking has been constructed, drained, surfaced and is available for use in accordance with the approved plans. The car parking spaces associated with each dwelling shall thereafter be retained for the purposes of car parking at all times.

**Reason:** To ensure adequate off-street parking, in the interests of highway safety and amenity, in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

18. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To avoid the deposit of mud or debris on the public highway, in order to protect highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

19. The development shall at all times be constructed in complete accordance with the measures and details contained within the Construction Method Statement, prepared by Ringstones Maintenance and Construction LLP and headed Sycamore Avenue, Burnley, dated January 2021.

**Reason:** To ensure that the safety and amenities of occupiers of neighbouring properties and users of the local highway are satisfactorily protected, in accordance with Policies NE5 and IC1 of Burnley's Local Plan (July 2018).

20. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, requests in writing must be made with at least seven days' notice to the Local Planning Authority.

**Reason:** To safeguard the residential amenities of the local area, in accordance with Policy NE5 of Burnley's Local Plan (July 2018).

21. **(Amended as per the update report)** Prior to the commencement of built development **above ground level**, details of the design and implementation of a surface water sustainable drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented and completed in accordance with the approved scheme prior any dwelling to any dwelling within each phase of the development being first occupied. The approved drainage scheme shall be retained at all times thereafter.

**Reason: (Amended as per the update report)** To ensure the adequate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (July 2018). The scheme is required prior to the commencement of **built development above ground level** to ensure that acceptable works can be agreed before works start and can then be implemented at an appropriate stage in the development.

22. **(Amended as per the update report)** No dwelling shall be first occupied until a Verification Report to demonstrate that the approved surface water drainage scheme has been completed as approved by Condition 21 above and details of a sustainable drainage management and maintenance plan for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, retained, maintained and managed at all times in accordance with the approved management and maintenance plan.

**Reason: (Amended as per the update report)** To ensure that the implemented drainage scheme fully accords with what has been approved and to ensure that adequate and appropriate funding, responsibility and maintenance mechanisms are in place for the lifetime of the development, in order to ensure the appropriate drainage of the site and to reduce the risk of flooding, in accordance with Policies CC4 and CC5 of the Burnley's Local Plan (2018).

23. **(Amended as per the update report)** Foul and surface water shall be drained on separate systems and a scheme for the disposal of foul water shall be submitted to and



agreed in writing by the Local Planning Authority. prior to the commencement of **built** development **above ground level**. The approved scheme shall be implemented in full and completed prior to any dwelling being first occupied. The foul water drainage scheme shall thereafter be retained at all times in the future.

**Reason: (Amended as per the update report)** To ensure the site can be adequately drained and to prevent pollution of groundwaters, in accordance with Policy NE5 of the Burnley`s Local Plan (July 2018). The scheme is required prior to the commencement of **built** development **above ground level** to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

24. Prior to the first occupation of any dwelling, refuse bins and recyclable waste containers for each respective dwelling shall be provided within a concealed area of the curtilage in accordance with details on the approved Site Plan. The refuse and recyclable waste storage provision for each dwelling shall thereafter be retained at all times.

**Reason:** To ensure adequate storage for refuse and recycling waste is provided away from public views, in the interests of residential amenities, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

25. **(Amended as per the update report)** Notwithstanding further details of the boundary treatment to the eastern boundary (facing Woodbine Road) which shall be first submitted to and approved in writing by the Local Planning Authority, the approved boundary treatment shall be carried out and completed prior to the completion of the development or the first occupation of any dwelling, whichever is the sooner. The approved boundary treatment shall thereafter be retained at all times.

**Reason: (Amended as per the update report)** To ensure a satisfactory appearance to the development. Further details are required for the eastern boundary where the height of the boundary feature should be appropriate for a formal frontage of house plots 28-31 inclusive, in accordance with Policy SP5 of Burnley`s Local Plan (July 2018).

26. **(Amended as per the update report)** Prior to the commencement of **built** development **above ground level**, an intrusive investigation shall be carried out by a suitably competent person(s) in accordance with the submitted Phase I Geoenvironmental Site Assessment Report (prepared by E3P reference 14-281-R1, dated October 2020) to assess the extent and nature of contamination likely to affect all receptors at end-use and a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, and shall be submitted to and approved in writing by the Local Planning Authority. Remediation work shall thereafter be carried out and completed in accordance with the approved scheme. In the event that previously unidentified contamination is discovered during any part of the works then further investigation and risk assessment shall be undertaken which shall together with an additional remediation scheme be submitted to and approved in writing by the Local Planning Authority before works continue. A Validation and Verification report to evidence that all remediation works have been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before any of the approved dwellings or flats are first occupied.

**Reason: (Amended as per the update report)** In order to deal appropriately and safely with the risks posed to the public and future occupiers by the historic industrial use of the site, in accordance with Policy NE5 of Burnley's Local Plan (July 2018). The site

investigation, report and remediation scheme are required prior to the commencement of **built development above ground level** to ensure that any mitigation measures that are found to be necessary through the investigation can be carried out at the appropriate stage in the development process.

27. The approved access junction and estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative, in the interests of highway safety, in accordance with Policy IC1 of Burnley's Local Plan (July 2018).

28. **(Amended as per the update report)** No built development **above ground level** shall be commenced until the engineering, drainage, street lighting and constructional details of the proposed estate roads and details of the maintenance of all streets, access roads and drives have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** To ensure these details are adequate to provide satisfactory access and amenity for the occupiers of the development, in accordance with Policy IC1 of Burnley's Local Plan (July 2018). The details are required prior to the commencement of built development above ground level to ensure that the details are satisfactory and can be implemented at the appropriate time and stages of the development in the interests of highway safety.

29. The development shall not be carried out otherwise than in accordance with the measures for water and energy efficiency contained within the amended Design and Access Statement, dated January 2021 and shall be completed in their entirety prior to the completion of the development.

**Reason:** To ensure the development delivers the expected water and energy efficiencies, in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

30. A scheme for the provision and continued use of the development for Affordable Housing shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being first occupied. The approved scheme of Affordable Housing shall thereafter be implemented in full and shall continue to do so at all times.

**Reason:** To ensure that the scheme delivers the intended benefits from the provision of Affordable Housing, in accordance with Policy HS2 of Burnley's Local Plan (July 2018).

31. Electric vehicle charging points shall be installed externally in accordance with the approved plans (drawing number SA-BTP-00-SP-DR-A-3588\_108RevA prior to the completion of the development.

**Reason:** To encourage the use of electric vehicles in order to reduce emissions and protect the local air quality in accordance with Policy IC3 of Burnley's Local Plan (July 2018).

32. **(Additional condition as per the update report)** Prior to the commencement of any development, details of how surface water and pollution prevention will be managed during the construction process shall be submitted to and approved in writing by the Local

Planning Authority. The agreed measures shall be implemented at all times during the construction of the development until its completion.

**Reason:** To manage any risks from pollution and flooding arising from construction activities on site, in accordance with Policies NE5 and CC4 of Burnley`s Local Plan (July 2018). The details are required to be submitted prior to the commencement of development in order that they can be in place prior to any work taking place that could lead to pollution or flooding from the site.

<b>90. Decisions taken under the Scheme of Delegation</b>
---

Members received for information a list of decision taken under delegation for the period 3<sup>rd</sup> December 2020 to 23<sup>rd</sup> December 2020.